IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 10781 of 2005

Between:

Merla Satyanarayana, S/o. late Venkata Reddy,
R/o. Choppellla, Alamuru Mandal, East Godavari District.

..... PETITIONER

AND

1 The Superintendent of Police, East Godavari District. Kakinada.
2 The Station House Officer, Ravulapalem Police Station,
Ravulapalem, East Godavari District.
3 Mallikdi Satyanarayana Reddy, S/o. Nagireddy,
R/o. Ubalanka Ravulapalem Mandal, East Godavari District.
4 Mallidi Tirapa Reddy, S/o. Nagireddy,
R/o. Ubalanka Ravulapalem Mandal, East Godavari District.
5 Mallidi Nagi Reddy, S/o. Tirapa Reddy,
R/o. Ubalanka Ravulapalem Mandal, East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the 2nd respondent in not receiving and refusing to receive the complaint dated 30-3-2005 filed against the respondents 3 to 6 from the Petitioner and interfering with the civil disputes by extending help to the Respondents 3 to 6 as illegal, arbitrary and unjust and issue consequential direction to the 2nd Respondent to receive the complaint dated 30-3-2005, enquire into and submit report as per Sec. 173 Cr.P.C. and pass such other order or orders.

Counsel for the Petitioner:MR.K.CHIDAMBARAM

Counsel for the Respondents: GP FOR HOME

The Court at the stage of admission made the following :

O R D E R:

The writ petition is filed under Article 226 of the Constitution of India seeking a writ of Mandamus declaring the action of the 2nd respondent-Station House Officer, Ravulapalem, in not receiving the receive the complaint dated 30-03-2005 filed against the respondents 3 to 5 and interfering with the civil disputes as illegal and arbitrary.

It is stated that the father of the petitioner purchased the Lanka land admeasuring to an extent of Ac.3.38 cents in R.S.No.170/2,3 of Ubalanka village, Ravulapalem Mandal, East Godavari District. After the death of the father of the petitioner in the year 1986, he has been in peaceful possession and enjoyment of the said land. It is further stated that one Nadimpalli Seetharama Raju tried to interfere with the peaceful possession and enjoyment of the said land. On a representation made by the petitioner, the Joint Collector, East Godavari District by proceedings in R.Dis.E1/2564/2001 dated 27-03-2002 declared the petitioner as the rightful owner of the said land. While the matter stood thus, the 3rd respondent herein filed O.S.No.56 of 2002 and 162 of 2002 before the Principle Junior Civil Judge, Kothapeta against the petitioner and other Revenue officers for permanent injunction wherein the learned Principal Junior Civil Judge granted *ex parte* interim injunction in O.S.No. 56 of 2002 and dismissed the temporary injunction petition in O.S.No.162 of 2002. It is the case of the petitioner that the respondents 3 to 5 having political power, started harassing the petitioner and trying to interfere with his peaceful possession and enjoyment of the land with the help of the 2nd respondent-Station House Officer, Ravulapalem. Having aggrieved of the said action of the 2nd respondent-Station House Officer, Ravulapalem, the petitioner made a complaint dated 14-03-2005 to the District Collector, who in turn directed the Mandal Revenue Officer to conduct an enquiry. In the meantime, on 30-03-2005, the respondents 3 to 5 trespassed into the said land removed some of the banana trees and threatened him with dire consequences. On the same day, the petitioner gave a complaint to the 2nd respondent-Station House Officer, Ravulapalem, about the incident but he refused to receive the same and abused him in filthy language. Therefore, he sent the complaint through registered post with acknowledgement due on 30-03-2005 to the 2nd respondent and as well as to the Mandal Revenue Officer, Circle Inspector of Police, Deputy Superintendent of Police and the 1st respondent herein. Except the 2nd respondent, all the officers received the complaint in their respective offices. Therefore, it clearly shows the adverse attitude towards the petitioner. The grievance of the petitioner is that the 2nd

respondent being the station house officer failed in discharging his statutory duties and interfering with the civil disputes, which is illegal and arbitrary.

Heard.

On a perusal of the material available on record, it seems that the action of the 2nd respondent being a police officer in not receiving the complaint dated 30-03-2004, made by the petitioner, is nothing but abuse of process of law. Therefore, I am not inclined to express any opinion on the merits of the case. Instead, I am of the considered view that the interest of justice would be met if the 2nd respondent-Station House Officer, Ravulapalem is directed to receive the complaint dated
30-03-2005 made by the petitioner and to investigate into the same, thereafter, to take action in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of the order.

With the above observation, the writ petition is disposed of. No costs.

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29-04-2005

Mjl/*

To,

1 The Superintendent of Police, East Godavari District. Kakinada.
2 The Station House Officer, Ravulapalem Police Station,
Ravulapalem, East Godavari District.

3. 2CCs to G.P. for Home, High Court Buildings, Hyderabad.

4. 2 CD copies.